

Remarks

Applicant respectfully request reconsideration of this application as amended. Claims 49, 62 and 75 have been amended. No claims have been cancelled. Therefore, claims 49-87 are presented for examination.

Claims 49-87 stand rejected on the grounds of Res Judicata based on a prior adjudication against the inventor on patentably non-distinct claims involving the same issues. Applicant submits that the present claims are not subject to Res Judicata.

In an Appellate Decision (“Decision”) by the Board of Patent Appeals and Interferences (“Board”) decided January 23, 2008, the Board upheld the Examiner’s rejection of the independent claims. Particularly, the Board ruled that the claim language *each page object includes source content in a presentation language used in a source document and determined formatting properties for one page* “broadly encompasses a page object with source content in the presentation language used in the source document and the determined formatting properties consisting of one or more pages.” See Decision at Page 9, lines 5-8.

Newly added independent claims 49, 62 and 75 each recite *a first page object including source content in a presentation language used in a source document and formatting properties for only a first page, and a second page object including the source content in the presentation language used in the source document and formatting properties for only a second page*. Thus, the reasoning for the construction in the Decision of “page objects” not being limited to a *single page* no longer applies since the present claims explicitly limit a *first page object applying only to a first page* and a *second page object applying only to a second page*. Accordingly, the new limitations of the independent claims have not been adjudicated.

Claims 75-87 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicant submits that claim 75 has been amended to appear in proper condition for allowance.

Claims 49-56, 60-69, 73-81 and 85-87 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over “Adler, Extensible Stylesheet Language (XSL) Version 1.0 (“Adler”) in view of Saito et al., U.S. Patent No. 5,323,312 (“Saito”). Applicant submits that the present claims are patentable over Adler in view of Saito.

As discussed above, independent claims 49, 62 and 75 each recite a first page object including source content in a presentation language used in a source document and formatting properties for only a first page, and a second page object including the source content in the presentation language used in the source document and formatting properties for only a second page.

Adler has been cited in the Office Action as disclosing this feature. See Office Action at Page 7, ll. 7-12. Adler discloses a set of formatting objects in XSL to describe both a layout structure of a page or "frame" (how big is the body; are there multiple columns; are there headers, footers, or sidebars; how big are these) and the rules by which the XML source content is placed into these "containers". The layout structure is defined in terms of one or more instances of a "simple-page-master" formatting object. This formatting object allows one to define independently filled regions for the body (with multiple columns), a header, a footer, and sidebars on a page. These simple-page-masters can be used in page sequences that specify in which order the various simple-page-masters shall be used. The page sequence also specifies how styled content is to fill those pages. This model allows one to specify a sequence of simple-page-masters for a book chapter where the page instances are

automatically generated by the formatter or an explicit sequence of pages such as used in a magazine layout. Styled content is assigned to the various regions on a page by associating the name of the region with names attached to styled content in the result tree. In addition to these layout formatting objects and properties, there are properties designed to provide the level of control over formatting that is typical of paginated documents. This includes control over hyphenation, and expanding the control over text that is kept with other text in the same line, column, or on the same page. See Adler at Section 1.2.3.

Nevertheless, applicant submits that Adler does not disclose a *first page object including formatting properties for only a first page and a second page object including formatting properties for only a second page*. Thus, claims 49, 62 and 75, and their respective dependent claims, are patentable over Adler in view of Saito.

Claims 57, 59, 70, 72, 82 and 84 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adler in view of Saito and further in view of Barry et al., U.S. Patent No. 6,606,165 (“Barry”). Further, claims 58, 71 and 83 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adler in view of Saito, further in view of Barry and further in view of Sall, “FOP: Formatting Object to PDF Translator (James Tauber, 1999)”, (“Sall”). Applicant submits that the present claims are patentable over any combination of Adler, Saito, Barry and Sall. Since none of the references disclose or suggest recite a first page object including source content in a presentation language used in a source document and formatting properties for only a first page, and a second page object including the source content in the presentation language used in the source document and formatting properties for only a second page.

Applicant submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to Deposit Account No. 50-3669.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Date: October 29, 2008

Mark L. Watson
Reg. No. 46,322

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(303) 740-1980